

# HOUSE BILL 235

E2  
HB 458/11 – JUD

2lr1880

---

By: **Delegates Stukes, Anderson, Carter, Conaway, Glenn, Harrison, Haynes, Howard, McConkey, A. Miller, Mitchell, Oaks, B. Robinson, Tarrant, and Walker**

Introduced and read first time: January 26, 2012  
Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Justice Information System – Prohibited Dissemination**

3 FOR the purpose of prohibiting the dissemination of certain criminal history record  
4 information to a certain person if the information relates to a certain charge or  
5 conviction, with a certain exception; providing that a certain provision of this  
6 Act may not be abrogated by waiver or consent; defining a certain term; and  
7 generally relating to the Criminal Justice Information System.

8 BY repealing and reenacting, without amendments,  
9 Article – Criminal Procedure  
10 Section 10–222 and 10–226  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2011 Supplement)

13 BY adding to  
14 Article – Criminal Procedure  
15 Section 10–230  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Procedure**

21 10–222.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Subject to § 10–226 of this subtitle, a person or a person’s attorney having  
2 satisfactory identification and written authorization from the person may inspect  
3 criminal history record information on the person that is maintained by a criminal  
4 justice unit.

5 (b) A person with the right to inspect criminal history record information  
6 under this section may make notes of the information.

7 (c) This section does not:

8 (1) require a criminal justice unit to copy any criminal history record  
9 information; or

10 (2) allow a person to remove a document for copying.

11 10–226.

12 (a) A person may not inspect or challenge criminal history record  
13 information under this subtitle if any of the criminal history record information is  
14 relevant to a pending criminal proceeding.

15 (b) This section does not affect a person’s right of inspection or discovery  
16 allowed under the Maryland Rules or under any statute, rule, or regulation not a part  
17 of or adopted under this subtitle.

18 **10–230.**

19 **(A) IN THIS SECTION, “NONVIOLENT CRIME” MEANS A CRIME THAT IS**  
20 **NOT LISTED AS A CRIME OF VIOLENCE IN § 14–101 OF THE CRIMINAL LAW**  
21 **ARTICLE.**

22 **(B) EXCEPT AS PROVIDED IN § 10–222 OF THIS PART, CRIMINAL**  
23 **HISTORY RECORD INFORMATION MAY NOT BE DISSEMINATED TO A PERSON**  
24 **OTHER THAN A CRIMINAL JUSTICE UNIT IF THE CRIMINAL HISTORY RECORD**  
25 **INFORMATION RELATES TO A CHARGE OR CONVICTION FOR A NONVIOLENT**  
26 **CRIME THAT WAS ALLEGEDLY COMMITTED MORE THAN 10 YEARS PREVIOUSLY.**

27 **(C) SUBSECTION (B) OF THIS SECTION MAY NOT BE ABROGATED BY**  
28 **WAIVER OR CONSENT.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2012.